

REMARKS

Status of the Application

Per the Final Office Action dated January 13, 2005, Claims 1-6, 8, 10 and 13 are pending in the above-referenced patent application. Claims 1-6, 8, 10 and 13 stand as rejected under 35 U.S.C. §103(a). The Examiner's objection to Claim 9 has been withdrawn due to cancellation of the claim.

Applicants have amended Claim 1 and canceled Claims 4 and 5 in this Response only to provide further clarity regarding the present invention. Support for amended Claim 1 is found in original Claims 4 and 5 and in the specification on page 2, lines 33-39.

Rejections Under 35 U.S.C. §103

Claims 1-6, 10 and 13 stand as rejected under 35 U.S.C. §103(a) as being unpatentable over DE-A-197 57 082 or WO 99/26733 (Maag) in view of U.S. Patent 5,091,211 (Richard) for the reasons of record as set forth in Paragraph No. 5 of the Office Action mailed July 23, 2004.

As previously stated in Applicants response of June 17, 2004 Applicants believe that Maag et al. is completely devoid of a single teaching that would lead a person of ordinary skill in the art to refer to the vinyl floor coating of Richard to invent a primer filler coating process that results in a primer filler layer having improved adhesion and exhibiting no edge marks upon being overcoated while still having good processability. Therefore, Applicants respectfully reiterate their request that the Examiner identify the teaching(s) in Maag et al. that would have led a person of ordinary skill in the art to look to the vinyl floor coating of Richard.

Furthermore, Applicants' wish to reiterate that the Examiner's primary reference Maag et al. was identified by Applicants at page 1, lines 26-30, however, Applicants explain at page 1, lines 32-34 that known filler coating compositions (including the filler coating compositions of Maag et al.) "exhibit ... several disadvantages, in particular if they are to be formulated and used as priming fillers." Applicants further explain at page 1, line 37 to page 2, line 2 that "UV curable priming fillers still exhibit inadequate adhesion onto metal substrates, such as,

aluminum, steel and zinc”, and that “edge marks may occur on overcoating with further coating layers and the coating compositions exhibit deficiencies with regard to stability and/or flow.” Applicants then expressly indicate at page 2, lines 3-10 that “[t]his invention provides a process ...that makes it possible to apply filler coating compositions curable by means of high energy radiation that yield coatings with excellent adhesion to the substrate...[w]hile retaining good processing characteristics”, and produce filler layers that when “overcoated, no edge marks should occur.” (emphasis added).

Applicants have determined that the lack of edge marks at the point of contact between the OEM coating and the repair coating are unexpected or surprising results. This unexpected result was found when components A and B were within the stated ranges in amended Claim 1, such that there were no visible internal or external edge marks. As evidence of such a finding, please refer to Examples 1, 2 and 3 as well as the “Presentation of coating results,” wherein a damaged OEM coating (coated onto sheet steel) was repaired such that the coating was sanded back to the steel substrate and when repaired, it exhibited no internal or external edge marks. However, outside of the defined ranges for components A and B it would be difficult to avoid the presence of edge marks on overcoating with topcoats while maintaining a balance between satisfactory flow and good stability. For example, in the instance where component B would be decreased below the lower limit of 40%, and therefore, component A is increased to an amount above 60%, adhesion problems would result between the substrate and the repair coating. It would also lead to reduced sandability, thereby resulting in edge marks when overcoating with top coats. Moreover, another consequence would be a decrease in its flow capabilities, wherein the balanced properties of the present invention would be compromised. Neither Maag et al. nor Richard disclose the unexpected advantage cited herein or the ranges utilized with the present invention as set forth in the amended claims. Thus, Applicants respectfully request that the Examiner withdraw the rejection.

Claim 8 stands as rejected under 35 U.S.C. §103(a) as being unpatentable over DE-A-197 57 082 or WO 99/26733 in view of U.S. Patent 5,091,211 (Richard),

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further in view of U.S. Patent 5,596,043 (Brehm et al.) for the reasons of record as set forth in Paragraph No. 6 of the Office Action mailed July 23, 2004.

Applicants reiterate those arguments presented above, and therefore, as Claim 8 is dependent from Claim 1 which Applicants believe to be patentable, Claim 8 is also patentable. Thus, Applicants respectfully request that the examiner withdraw the rejection.

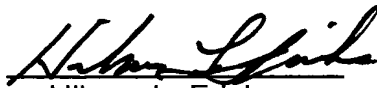
SUMMARY

In view of the foregoing amendments and remarks, Applicants believe the stated grounds of rejection have been properly traversed, accommodated, or rendered moot and that a complete response has been made to the Final Office Action dated January 13, 2005. Applicants believe that the application stands in condition for allowance with withdrawal of all grounds of rejection. A Notice of Allowance is respectfully solicited. If the Examiner has questions regarding the application or the contents of this response, the Examiner is invited to contact the undersigned at the number provided.

Applicants do not believe that a fee due in accordance with this response, however, should a fee be due that is unaccounted for, please charge such fees to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company). Furthermore, if any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore are hereby authorized to be charged to Deposit Account No. 04-1928.

Respectfully submitted,

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By: 
Hilmar L. Fricke
Attorney for Applicants
Reg. No.: 22,384
Telephone: (302) 984-6058
Facsimile: (302) 658-1192